



GOVERNMENT OF PUERTO RICO
**Puerto Rico Fiscal Agency and Financial
Advisory Authority**

BY ELECTRONIC MAIL

May 2, 2020

Ms. Natalie Jaresko
Executive Director
The Financial Oversight and
Management Board for Puerto Rico
P.O. Box 192018
San Juan, PR 00919-2018

***Re: FOMB's April 28, 2020 Request for Information Concerning Rapid Test
Kits and Emergency Contracting***

Dear Ms. Jaresko:

We hereby make reference to your letter dated as of April 28, 2020 (“Letter”). In the Letter, you acknowledge receipt of several documents produced by the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) to the Financial Oversight and Management Board (“Oversight Board”) in response to a first request for information sent on April 15, 2020 (the “Request”). The Request relates to the procurement and purchase process of a purchase order for COVID-19 Rapid Tests kits (the “Purchase Orders”).

In your letter, you allege the documents and materials sent to the Oversight Board by AAFAF “fall short” of what was requested in your prior letters. You also refer to either incomplete documents or missing credentials to access documents.¹ Even though AAFAF produced thousands of pages of documents, you stated that the Government of Puerto Rico’s (“Government”) refusal to comply with your information requests was “worrisome”, thereby implying ulterior motives. Without evidence to sustain such comments, such rhetoric is truly unnecessary for the cooperative working relationship that should exist between the Oversight Board and the Government. The record itself simply rebuts any allegation of “refusal” to comply with information request from the Government’s part.

To further evidence AAFAF’s willingness to comply with the request included in your Letter, on April 29, 2020, AAFAF sent a letter to the agencies involved in the purchase process, further reiterating the Oversight Board’s request for information. A copy of your Letter was attached to said communication, and the agencies were provided until 10:00

¹ It must be mentioned your Letter and its exhibit contain factually incorrect information. For example, you state individual AAFAF officials sent the produced documentation to the Oversight Board. This is simply false. All communications from AAFAF to the Oversight concerning the documents produced in this matter have been sent from the fombreports@aafaf.pr.gov email account.

A.M. today to comply with the Oversight Board's information request.² Consequently, during the day we have forwarded to you the information received from the Puerto Rico Emergency and Disaster Management Bureau of the Department of Public Safety and the Office of Management and Budget. In addition, the Puerto Rico Department of Treasury requested additional time, until Tuesday, May 5, 2020, at least, to comply with the Oversight Board's request.³ The other agencies have not yet responded this additional request.

As I have explained before, AAFAF is not the legal custodian of the documents and materials you have requested. Although AAFAF did not generate the documents you have requested, we have worked diligently and in good faith to gather the requested information, but that information is not within AAFAF's possession. Thus, while AAFAF is not the custodian of the documents and materials you requested, AAFAF is continuing to follow up with the agencies involved and will forward the requested information as soon as we receive it. Nonetheless, I would recommend the Oversight Board to also send the information request directly to the agencies and instrumentalities that are the legal custodians of the documents and materials you seek.

Should you have any question regarding the foregoing, please feel free to contact me at your convenience. As always, I look forward to collaborating with the Oversight Board during these unprecedented times as we continue battling the threat of the COVID-19 pandemic for the best interests of the people of Puerto Rico.

Most respectfully,



Omar J. Marrero Diaz
Executive Director

² See Attachments 1 and 2 to this electronic mail.

³ See Attachment 3 to this electronic email.